

**REVENUE DEPARTMENT[701]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code chapter 17A and sections 421.17 and 428A.11, the Department of Revenue hereby adopts amendments to Chapter 79, “Real Estate Transfer Tax and Declarations of Value,” and Chapter 80, “Property Tax Credits and Exemptions,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXII, No. 8, p. 944-947, on October 7, 2009, as **ARC 8224B**.

Item 1 amends subrule 79.1(3) to delete the requirement that the county recorder initial a deed to show that the real estate transfer tax has been paid.

Item 2 amends the implementation sentence for rule 701—79.1(428A).

Item 3 amends subrule 79.5(1) to update the list of property transfers that are exempt from declaration of value filing requirements.

Item 4 amends the implementation sentence for rule 701—79.5(428A).

Item 5 amends rule 701—79.6(428A) to specify that social security numbers and federal tax identification numbers on declaration of value forms are confidential and must be redacted from the declaration of value form. The implementation sentence is also amended.

Item 6 amends subrule 80.12(2) to delete the requirement that methane gas conversion property must only be used in connection with a publicly owned sanitary landfill operation to qualify for a property tax exemption and to limit the exemption for property not used in connection with a publicly owned sanitary landfill to property placed in operation between January 1, 2008, and December 31, 2012, and to further limit the exemption to a ten-year time period.

Item 7 amends the implementation sentence for rule 701—80.12(427).

Item 8 amends rule 701—80.13(427B,476B). Subrule 80.13(1) is amended to reflect the change in the statute permitting wind energy conversion property to qualify for both the production tax credit and the special valuation of the property by the local assessor. Subrule 80.13(2) is amended to clarify that if a city council or county board of supervisors has not passed an ordinance for the special valuation of wind energy conversion property, the property is to be assessed by the department of revenue. The implementation sentence is also amended.

Item 9 amends rule 701—80.26(427) to provide a property tax exemption for computers and related equipment used in the operation of a data center business. The implementation sentence is also amended.

Item 10 adopts new rule 701—80.28(404B), which provides for a tax exemption on the increase in assessed value of property attributable to the revitalization of the property in a designated disaster area.

These amendments are identical to those published under Notice of Intended Action.

These amendments will become effective January 6, 2010, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code section 428A.5 as amended by 2009 Iowa Acts, Senate File 288, section 17; Iowa Code section 428A.4 as amended by 2009 Iowa Acts, Senate File 288, section 16; Iowa Code section 428A.7 as amended by 2009 Iowa Acts, House File 477, section 1; Iowa Code section 427.1(29) as amended by 2009 Iowa Acts, Senate File 478, section 224; Iowa Code sections 476B.4 and 476B.6(1) as amended by 2009 Iowa Acts, Senate File 456, sections 2 and 4; Iowa

Code section 427.1 as amended by 2009 Iowa Acts, Senate File 478, section 200; and 2009 Iowa Acts, Senate File 457, sections 23 through 30.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [79.1, 79.5, 79.6, 80.12, 80.13, 80.26, 80.28] is being omitted. These amendments are identical to those published under Notice as **ARC 8224B**, IAB 10/7/09.

[Filed 11/12/09, effective 1/6/10]

[Published 12/2/09]

[For replacement pages for IAC, see IAC Supplement 12/2/09.]